

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6313

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RODNEY JAMES TURNER, a/k/a Rudy Poo,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:03-cr-00035-REP-1)

Submitted: May 22, 2009

Decided: June 9, 2009

Before WILKINSON, KING, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Robert James Wagner, Assistant Federal Public Defender, Richmond, Virginia, for Appellant. Michael Arlen Jagels, Special Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rodney James Turner appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) (2006) motion. We have reviewed the record and determine Turner's appeal is moot because he is no longer in custody. See USSG § 1B1.10(b)(2)(C). Accordingly, we deny his motions for appointment of counsel and dismiss the appeal. See Powell v. McCormack, 395 U.S. 486, 496 (1969); Incumaa v. Ozmint, 507 F.3d 281, 286 (4th Cir. 2007). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED